

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5174 of 1996

to

FIRST APPEAL No 5191 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SPECIAL LAND ACQUISITION OFFICER

Versus

MADHABHAI DUNGARBHAI DECD.THROHEIRS SHANKARBHAI M & 1

Appearance:

MR PG DESAI, GOVERNMENT PLEADER for Applicants in FA Nos. 5174/96 to 5182/96.

HARSHA DEVANI, ASSTT.GP for Applicants in FA Nos. 5183/96 to 5187/96

MR SJ DAVE, ASSTT.GP for Applicants in FA Nos. 5188/96 to 5191/96

MR AJ PATEL, for Respondent No.6 in all First Appeals.

CORAM : MR.JUSTICE Y.B.BHATT and

Date of decision: 13/02/98

ORAL COMMON JUDGEMENT (PER; Y.B.BHATT, J)

Heard ld. counsel for the appellants, as also ld.

counsel for the respondent who appears on caveat.

Appeals admitted. Mr. AJ Patel, ld. counsel waives service for the respondent in each of the appeals. On the joint request of ld. counsel for the respective parties, this group of appeals is taken up for final hearing today. These are the appeals filed by the State under Sec.54 of the Land Acquisition Act read with Sec.96 of the Civil Procedure Code, challenging the common judgment and awards passed by the Reference Court under Sec.18 of the said Act.

The impugned judgment, taken in its overall perspective, is in our opinion, not assailable. We agree with the assessment of the evidence on the part of the Reference Court, conclusions drawn therefrom and the findings of fact recorded.

We may, however, briefly note that so far as determination of the market value of the land under acquisition is concerned, the Reference Court has relied not merely on oral evidence, but also on the documentary evidence on record.

The documentary evidence on record includes certified copies of the judgments delivered by the Reference Court including the judgment in Land Reference Case Nos. 784/89 to 812/89 (exh.11). In so far as this judgment of the Reference Court is concerned, we are informed jointly by the respective counsel that the State had preferred regular appeals before this Court under Sec.54 of the said Act, namely First Appeal Nos.2788/95 to 2816/95 and that this group of appeals came to be heard and decided by one of us (Coram : Y.B.Bhatt,J) by the judgment and order dated 25.4.1996. This last decision confirms market value of the land at Rs. 10/ per sq.mt., which is also the market value determined by the Reference Court in the impugned Award. Further more, exh.39 on record before the Reference Court is a certified copy of the judgment of this Court in First Appeal No. 643/95 (Coram : DG Karia, J) decided on 17.2.1995, also confirming the market value at Rs. 10/ per sq.mt. There are also other decisions by the Reference Court in other Land Reference Cases at exh.12 and exh.13, which also fix the market value at Rs.10/ per

sq.mt. In the light of this state of evidence, ld. counsel for the appellant was unable to assail the impugned judgment and award any further.

These appeals are, therefore, dismissed with no order as to costs. Appellant State is directed to deposit in the Reference Court the amount of compensation awarded by the Reference Court together with costs and interest within four months from today. Direct Service permitted.

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